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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,642	08/20/2003	Sol H. Wynn	SW-0301	5487
36088	7590	06/02/2005	EXAMINER	
KANG LIM			HARPER, KEVIN C	
3494 CAMINO TASSAJARA ROAD #436			ART UNIT	
DANVILLE, CA 94306			PAPER NUMBER	
			2666	

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**Application No. ck

10/644,642

Applicant(s)

WYNN, SOL H.

Examiner

Kevin C. Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.  
2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-12 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 20 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/03,03/04,11/04</u> . | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 6-7 and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Whittaker et al. (US 6,130,893).

1. Regarding claim 1, Whittaker discloses an apparatus (fig. 1) useful in association with a netphone (item 31 and a computer (item 32). The apparatus comprises a telephony interface (item 24) for coupling the netphone to an external telephone system (fig. 2, item 80), a network interface (item 24) for coupling the computer to an external computer network (fig. 2), and a LAN (fig 1, line connecting items 24 and 31-32; col. 3, lines 12-15) for interconnecting the netphone (item 31), the computer (item 32) and the telephony/network interface (item 24).
2. Regarding claims 6-7 and 11, the network interface is based on xDSL (col. 3, lines 9-11) and the LAN and network interface are based on Ethernet (col. 3, lines 25-27; note: the ATU-R implements the Ethernet protocol by converting between Ethernet formatting and ADSL formatting)
3. Regarding claims 9-10, the external telephone system is a PSTN (fig. 2, item 80) that inherently includes PBX telephone systems.

Claims 1-2, 8 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Fischer (US 2003/0214930).

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4. Regarding claim 1, Fischer discloses an apparatus (fig 1) useful in association with a netphone (item 105; para. 38, lines 11-12) and a computer (item 103). The apparatus comprises a telephony interface (item 127; para. 44; para. 38, lines 11-12; note: a telephony interface for allowing the telephone 105 to communicate with telephone networks), a network interface (item 121), and a LAN (item 110) for interconnecting the netphone, the computer, the telephony interface and the network interface.

5. Regarding claims 2 and 12, the network interface is wireless (para. 41, last three lines) and the LAN is wireless (fig. 1, item 110).

6. Regarding claim 8, the external computer network is the Internet (fig. 1, item 122).

Claims 1 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Rabenko et al. (US 2002/0006137).

7. Regarding claims 1 and 4, Rabenko discloses an apparatus (fig. 1a) useful in association with a netphone (item 126) and a computer (item 130). The apparatus comprises a telephony interface (item 102) for coupling the netphone to an external telephone system (para. 40), a network interface (item 102) for coupling the computer to an external computer network (para. 32, lines 5-9), and a LAN (item 110; para. 32, fifth line from last), where the network interface is a cable modem (para. 34, lines 1-2).

Claims 1 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Riemann et al. (US 5,892,764).

8. Regarding claims 1 and 5, Riemann discloses an apparatus (fig. 1) useful in association with a netphone (telephones connected to item 15) and a computer (item 18). The apparatus comprises a telephony interface (item 12; fig. 2, item 22) for coupling the netphone to an external telephone system (item 16), a network interface (item 12) for coupling the computer to an external ISDN

computer network (col. 5, lines 51-54), and a LAN (item 14; col. 4, lines 15-16) for interconnecting the netphone, computer, and telephony/network interface.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veerina et al. (US 6,243,379) in view of Riemann et al. (US 5,892,764).

9. Regarding claims 1 and 3, Veerina discloses an apparatus (fig. 1) comprising a network interface (item 28) for coupling a computer (item 30) to an external computer network (item 34), and a LAN (links connecting items 30 to device 24) interconnecting the computer and the network interface. The network interface is based on a dial-up modem protocol (col. 1, lines 38-41; col. 5, lines 15-20). However, Veerina does not disclose a telephony interface for connecting a telephone to an external telephone system. Riemann discloses an apparatus (fig. 1) useful in association with a netphone (telephones connected to item 15) and a computer (item 18). The apparatus comprises a telephony interface (item 12; fig. 2, item 22) for coupling the netphone to an external telephone system (item 16) and a LAN (item 14; col. 4, lines 15-16) for interconnecting the netphone, the computer, and the telephony/network interface. Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have telephone connectivity in the LAN of

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Veerina in order to simplify communications wiring by integrating computer and telephone networks (Riemann, col. 17, lines 26-31 and 54-61).

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 571-272-3174. The centralized fax number for the Patent Office is 703-872-9306. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see portal.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin C. Harper

May 31, 2005